

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON:

Jeffrey Crawford
17 State House Station
Augusta, ME 04333
Phone: 207-287-7647
Fax: 207-287-7826
Email: Jeff.S.Crawford@maine.gov

CHAPTER NUMBER AND RULE TITLE:

Chapter 501 Stormwater Management Compensation Fees and Mitigation Credit

STATUTORY AUTHORITY: 38 M.R.S. § 420-D(11)

DATE, TIME AND PLACE OF PUBLIC HEARING:

The Department has scheduled this proposal to a 30-day public comment period.

COMMENT DEADLINE: April 22, 2016 5:00 PM

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

The Department is proposing to amend Chapter 501 to better allocate mitigation credits among the various classes of mitigation activities, based on the type of development and stormwater control. Table 2 of Chapter 501 indicates the on-site or off-site mitigation credit earned by a mitigation project in the direct watershed of an urban impaired stream for a variety mitigation activities.

The Department is proposing to revise Table 2 to more accurately reflect the effectiveness of different mitigation activities on each of the following sites: 1) Road or high use parking lots; 2) Medium use parking lots; 3) Other parking lots; 4) Roof or impervious areas; and 5) Landscaped areas.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ☐ YES ☐ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

The Chapter 501 Stormwater Management Compensation Fees and Mitigation Credit rule applies to projects for which the applicant pays a compensation fee and/or undertakes mitigation through compensation projects in order to meet, or in lieu of meeting, certain stormwater standards. Mitigation projects may either control off-site stormwater sources, or on-site sources. For example, retrofitting an existing high-use parking lot with stormwater controls meeting the Department's Chapter 500 Stormwater Management rule general standards would provide mitigation credits that can be used to help meet the requirements of either Chapter 500 or the Chapter 502 Direct Watersheds of Lakes Most at Risk From New Development and Urban Impaired Streams rule.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

The Department's proposal was developed after consulting internal subject matter experts in the Bureau of Water Quality, Division of Environmental Assessment.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

No fiscal impact is anticipated from this proposal.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

